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USE OF OFFICE EQUIPMENT

You joined the Federal workforce during the "Pen and Ink Age." You know how to use a rotary phone, remember when car air-conditioning meant that you had all the windows open, and recall fondly the days when airplane seats were comfortable (alright, they never were comfortable). You take a dim view of modern technology, and wonder if it is not part of some vast conspiracy to complicate life. You have, however, tried to make the best of a bad situation, and have become more computer "literate" (a word that you still associate with the ability to write complete sentences – with a pen of course).

Lately you have noticed that one of your employees seems to be spending an inordinate amount of time visiting personal websites on her computer. You suspect misuse, but know that the rules regarding the use of Government equipment have been changing. You recall the day when the only office equipment an employee could use was his or her desk

telephone, and then only for emergency calls. You are confused, and wonder what to do next.

As this supervisor has observed, the rules pertaining to the use of Government equipment have changed. What was once unacceptable, may now be acceptable. One obvious reason for this change is the evolution of technology. When communication was largely by telephone, the rules focused on the use of telephone. With the advent of email, the internet, and various other new technologies, Government agencies have had to adjust their rules as well. The basic overall rule remains the same, however. That rule is stated in **5 CFR, Part 2635, Section 704**, which specifies that, **"An employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes."**

Today, however, some limited personal use of office equipment is permitted. This equipment includes *computers* (including the use of email and the internet), *telephones*, *fax machines* and *photocopiers*. The basic rule regarding "limited use" is this – the use of equipment **must involve only minimal expense to the Government** (i.e. small amounts of electricity, ink, toner or paper) and **normal wear and tear**. Examples include making a few photocopies, printing a few pages of material, and making occasional brief personal phone calls. In addition, *the use of Government equipment cannot:*

- Occur during duty times. It must be limited to personal, non-duty times such as before or after work or during lunch periods or breaks.
- Interfere in any way with official business.
- Be used to support a personal business, or for fund-raising activity.
- Cause congestion, delay or disruption to any Government system or equipment.
- Involve the creating, copying, transmitting or retransmitting of chain letters or other mass mailings.
- Be used for (1) activities that are illegal, inappropriate, or offensive to fellow employees or the public (examples include hate speech and material that ridicules others on the basis of race, creed, religion, color, sex, disability, national origin or sexual orientation); (2) the creating, downloading, viewing, storing, copying or transmitting of sexually explicit or oriented materials; or (3) gambling.

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Use of Office Equipment (Continued)

So knowing this, what should this supervisor do? At this point, he or she should simply report what was observed or heard, and should not confront the employee. Determining whether or not an employee is misusing a computer will likely require an examination of the computer by investigative personnel who are skilled in such examinations. Once reported, you will be given additional instructions regarding how to proceed. If the possible misuse involves another kind of office equipment, you should discuss how to proceed with your servicing employee relations specialist.

The rules pertaining to the use of Government equipment in the USDA can be found in Department Regulation 3300-001 (Telecommunications and Internet Services and Use). In addition, each agency has directives that specifically address the use of email and the internet.



Now Hear This!

The Office of Personnel Management (OPM) Has Revised Its Regulations on Sick Leave and Supporting Medical Documentation!

Title 5 of the Code of Federal Regulations (CFR), Part 630 now establishes a Government-wide policy on the time limit for the receipt of medical documentation supporting an employee's need for sick leave.

5 CFR 630.403(b) - "An employee must provide administratively acceptable evidence or medical certification for a request for sick leave no later than 15 calendar days after the date the agency requests such medical certification. If it is not practicable under the particular circumstances to provide the requested evidence or medical certification within 15 calendar days after the date requested by the agency despite the employee's diligent, good faith efforts, the employee must provide the evidence or medical certification within a reasonable period of time under the circumstances involved, but no later than 30 calendar days after the date the agency requested such documentation. An employee who does not provide the required evidence or medical certification within the specified time period is not entitled to sick leave."

Why the change? The Office of Personnel Management (OPM) is making the change to ensure all employees are treated equitably; to aid in establishing standardized Government wide pay and leave policies; and to make this regulation consistent with medical certification requirements under the Family and Medical Leave Act (FMLA).

What does this mean to you? When requesting medical documentation from an employee to substantiate a request for sick leave, you are required to provide the employee with 15 calendar days from the date of your initial request to provide the documentation. In addition, in certain circumstances you are required to provide an additional 15 calendar days, for a total of 30 calendar days from the date you first requested the medical documentation.

Contact your servicing employee relations specialist if you have any questions.



THE BULLETIN BOARD

STAFF CHANGES. **Trudy Driver**, APHIS/ER, Fort Collins has retired. Congratulations Trudy! In addition, there have been numerous staff assignment changes since the June Bulletin. These changes are noted on the last page of this Bulletin.

ANNOUNCING THE NEW ADMINISTRATIVE GRIEVANCE PROCESS! A new administrative grievance process has been developed, and will soon be available to all non-bargaining unit employees in MRP. This new simplified process emphasizes the solution of problems at the lowest possible levels in the agencies and the resolution of problems through alternative dispute resolution. More information regarding the new process will soon be available to all employees.

HEALTH TIP #3

Earlier this year we began providing our readers with quarterly health tips. This has since become one of our most popular features. (Actually, we don't have a clue if anyone is reading them, but we like to think that they are popular.) *Here is the tip for September:* As we get older, most of us get heavier. In some cases, this may happen because we eat too many fried cheese curds. But in other (and I'm sure most) cases, it's simply because we have too much information in our heads. That's right! As we get older, we aren't really getting fatter – just more intelligent. What happens is this: Once we accumulate a certain amount of information in our head, it overflows and starts filling up the rest of our body. It's really that simple. So forget all those dire warnings you have heard about fat, sugar, lack of exercise, etc., etc. Go out and have that double mocha chocolate shake without any more guilt! And, if you really want to lose weight, our suggestion is that you limit your amount of reading and other activities that fill your head with too much information.

***NOTE:** The usual disclaimers apply to this health tip.

THE ETHICS CORNER

POLITICAL ACTIVITY

It is election time again! Since the fall campaigns are now in full swing, we decided that it would be timely to reprint the memorandum noted below, which was originally published in the September 2004 Bulletin. Although the range of political activities that employees can participate in has expanded significantly as a result of the Hatch Act Reform Amendment, employees still need to be aware that there are some restrictions.



POLITICAL ACTIVITY UNDER THE HATCH ACT

This is an election year, and there may be employees who have questions about what type of political activity they are allowed to engage in as a Government employee. The Hatch Act Reform Amendment of 1993, permits most employees to take an active part in off duty political management and political campaigns. However, Career Senior Executive Service Employees remain under the "old" Hatch Act rules and are subject to additional restrictions.

Listed below are permitted and prohibited activities for employees who may be politically active in partisan campaigns; and additional restrictions on permitted and prohibited activities for Career Senior Executive Service Employees.

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Political Activity Under the Hatch Act (Continued)

PERMITTED ACTIVITIES for Employees who may be Politically Active in Partisan Campaigns - Employees	PROHIBITED ACTIVITIES for Employees who may be Politically Active in Partisan Campaigns - Employees
May be candidates for public office in nonpartisan elections	May not use their official authority or influence to interfere with an election
May be candidates in Partisan Election Where Permitted by the Office of Personnel Management as an Independent	Generally, may not be candidates in Partisan Election
May register and vote as they choose	May not solicit, accept or receive political contributions unless both individuals are members of the same federal labor organization or employee organization and the one solicited is not a subordinate employee
May assist in voter registration drives	May not knowingly solicit or discourage the political activity of any person who has business before the agency
May express opinions about candidates and issues	May not engage in political activity while on duty
May contribute money to political organizations	May not engage in political activity in any government office
May attend political fundraising functions	May not engage in political activity while wearing an official uniform
May attend and be active at political rallies and meetings	May not engage in political activity while using a government vehicle
May join and be an active member of a political party or club	May not be candidates for public office in partisan elections
May sign nominating petitions	May not wear political buttons on duty
May campaign for or against referendum questions, constitutional amendments, municipal ordinances	
May campaign for or against candidates in partisan elections	
May make campaign speeches for candidates in partisan elections	
May distribute campaign literature in partisan elections	
May hold office in political clubs or parties including serving as a delegate to a convention	

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Political Activity Under the Hatch Act (Continued)

ADDITIONAL RESTRICTIONS FOR Career Senior Executive Service Employees, Administrative Law Judges, and Contract Appeals Board Members

PERMITTED ACTIVITIES for Employees Subject to Additional Restrictions – Employees	PROHIBITED ACTIVITIES for Employees Subject to Additional Restrictions – Employees
May register and vote as they choose	May not be candidates for public office in partisan elections
May assist in voter registration drives	May not campaign for or against a candidate or slate of candidates in partisan elections
May express opinions about candidates and issues	May not make campaign speeches or engage in other campaign activities to elect partisan candidates
May participate in campaigns where none of the candidates represent a political party	May not collect contributions or sell tickets to political fund raising functions
May contribute money to political organizations or attend political fund raising functions	May not distribute campaign material in partisan elections
May attend political rallies and meetings	May not organize or manage political rallies or meetings
May join political clubs or parties	May not hold office in political clubs or parties
May sign nominating petitions	May not circulate nominating petitions
May campaign for or against referendum questions, constitutional amendments, municipal ordinances	May not work to register voters for one party only
May be candidates for public office in non partisan elections	May not wear political buttons at work

Please note that it is a crime, punishable by fine of not more than \$5,000 or imprisonment for not more than 3 years, or both, for any person to coerce or attempt to coerce an employee to engage in, or not to engage in, any political activity.

If you should have any question about the political activity rules, please contact Mary Royster, Mission Area Ethics Advisor (202) 720-9858, or by E-mail at mary.a.royster@aphis.usda.gov.

REMEMBER TO VOTE!

WAIVER OF 2006 ANNUAL FINANCIAL DISCLOSURE REPORTING PERIOD

The Office of Government Ethics (OGE) has amended the Executive Branch Confidential Financial Disclosure Reporting Regulation, which will change the reporting period from a fiscal year to a calendar year.

Therefore, the OGE has waived this fall's annual OGE Form 450 filing requirement. The annual OGE-450 filers will not be required to file their annual reports by October 31, 2006. The OGE-450 filers will file their annual reports by **February 15, 2007**. This report will cover the fifteen month period from October 1, 2005 to December 31, 2006.

PURCHASE CARD MISUSE GUIDELINES

The Marketing and Regulatory Programs (MPR) issued the PCMS purchase card guidelines to cardholders' supervisors in June 2006. The purpose for issuing these guidelines is to enhance the purchase card program and to comply with Department regulations. The PCMS guidelines will be a useful tool for supervisors when conducting monthly reviews of PCMS cardholder reports.



On April 21, 2006, Mr. Howard Price, Head of the Contracting Activity Designee – Marketing and Regulatory Programs, issued a memorandum to all supervisors and managers of MRP purchase cardholders regarding these guidelines. The memorandum, entitled “Purchase Card Misuse Guidelines,” reads as follows:

“The Marketing and Regulatory Programs (MRP) is pleased to implement the purchase card misuse guidelines to enhance its Purchase Card Program and to comply with guidelines set forth in Department Regulation (DR), 50 13-6, Use of the Purchase Card and Convenience Check. The DR states ‘supervisors are the first line of control to review cardholder transactions to verify that they are necessary and proper. In addition, supervisors recommend appropriate personnel action in the event of purchase card or convenience check abuse.’

Supervisors/managers should review all purchase card charges and supporting documentation as a part of their oversight responsibilities and as a result of the mandatory requirement set forth by the USDA's Office of Procurement and Property Management. The guidelines set forth by MRP will be added to the...following MRPBS website: <http://www.aphis.usda.gov/mrpbs/systems/pcms/index.html>. The local area program coordinators (LAPCs) will send out quarterly reminders to supervisors/managers during the first year of implementation. As new purchase card requests are approved through the purchase card management system (PCMS), misuse guidelines will be distributed to supervisors of record by the LAPC.

The following documents have been developed to improve agency oversight and to assist supervisors/managers to become more knowledgeable and vigilant of the rules and regulations that govern the purchase card program:

- Supervisors/Managers Roles and Responsibilities
- MRP Purchase Card Oversight Issues
- Supervisory Checklist
- PCMS Cardholder Report
- PCMS Purchase Card Reference

Your support and involvement in the internal controls process will strengthen the agency's overall purchase card internal control procedures. If you have any questions or concerns on these misuse guidelines, please contact Norita Thomas on (301) 734-3656.”

Our thanks to Megan Phommahaxay, Local Agency Program Coordinator, for the information cited above. Questions or concerns regarding the purchase card guidelines, they may be directed to Megan at 612-336-3243, or to Sandra Gardei, Agency Program Coordinator, at 301-734-4331.

MISSING WORK – MORE BAD EXCUSES

Here are a few more unusual excuses that workers have given for missing work (see **December 2005 Bulletin** also), according to CareerBuilder.com:

- I dreamed that I was fired, so I didn't bother to get out of bed.
- I got all the way to the office and realized that I was still in my pajamas and had to go home to change.
- I couldn't find the right tie, so I had to wait for the stores to open so I could by one.
- I saw you weren't in the office, so I went out looking for you. (Good one!)

Privacy, It's Your Responsibility!

Imagine this, your personal information, i.e., home address, home telephone number, and/or social security number, was inadvertently (or perhaps purposely) made publicly available by your colleague and now your identity has been stolen, by an experienced, and, oh, so clever *Identity Thief*. This scenario isn't just something that could happen, it has happened, and will continue to happen if we don't take seriously our role in maintaining personal privacy information. It's extremely important that all Federal employees are aware of the Privacy Act and its provisions.

Privacy is everyone's responsibility and that includes, You!!

The Big Picture

The Privacy Act is a 1974 statute.

Why do we have the Privacy Act?

- To prevent the government from maintaining "secret" records on its citizens.
- To protect individuals' information; unlike the Freedom of Information Act (FOIA), the Privacy Act is a non-disclosure statute.

What does the Privacy Act do?

- It regulates how federal agencies collect, maintain, use, and disclose individuals' information.
- It allows individuals to access and amend their government records.

Whose information is protected by the Privacy Act?

- Any data about a person that is retrieved by that person's name or other personal identifier.
- In other words, "Records" within a "System of Records" (a group of records under the control of any agency, from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual).
- Understanding "Systems of Records" is the key to knowing when the Act applies.

Privacy Act Violations

(Acts and omissions that can lead to adverse action.....)

- Wrongfully disclosing information from a system of records;
- Operating an unpublished system of records;
- Maintaining inaccurate records that result in adverse action;
- Denying an individual access to their non-exempt records;

- Failing to properly amend an individual's non-exempt records, and
- Requesting/obtaining records under false pretenses.

Criminal & Civil Penalties

- Who must follow the Privacy Act?
 - All Federal agencies and their employees.
 - That means YOU!
- Why should I follow the Privacy Act?
 - You took an oath to uphold the law.
 - The Act permits civil action against APHIS and criminal prosecution against individual employees for violations!

The Five Steps of Fair Information Management

- Establish "systems of records" in the Federal Register;
- Fairly collect personal information;
- Carefully maintain agency records;
- Disclose information only when authorized, and
- Grant access and amend records only when authorized.

Fairly Collect Personal Information

- Collect only relevant and necessary information about
- individuals as is authorized by law for a legitimate purpose—NOTHING MORE!
- Collect information directly from the individual when benefits are at stake. Provide individuals with a "Privacy Act Statement" before taking their information to inform them of the authority, purpose, routine uses, whether providing the information is mandatory or voluntary, and what could happen if the requested information isn't given.

Getting back to our scenario and in an effort to avoid violating the Privacy Act.... **DO NOT....**

- Maintain "secret" systems of records that haven't been published;
- Collect personal information without a Privacy Act Statement;
- Use personal information for unauthorized purposes, and
- Disclose personal information without authorization.

DO....

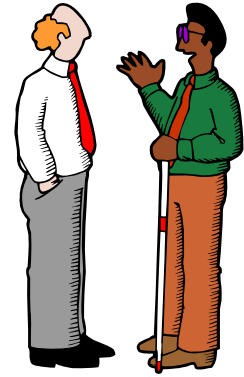
- Recognize the Privacy Act issues all around you;
- Safeguard others' personal information with due care;
- Account for any disclosures made beyond APHIS, and
- Ask questions before taking action by contacting....

NOTE: This article was provided by Lesia M. Banks, Director, APHIS Freedom of Information and Privacy Act Staff. APHIS employees who have questions regarding the FOIA or the Privacy Act can direct them to either Ms. Banks at (301) 734-5267 (Lesia.M.Banks@aphis.usda.gov), or to Tammi Hines, FOIA/Privacy Act Program Specialist at (301) 734-3257 (Tammi.S.Hines@aphis.usda.gov).

AMS and GIPSA employees should direct their questions to the coordinators in their agencies.

When Visiting Becomes Excessive

You need to find Joe to complete a project, but he's no where to be found! You finally locate him at Mike's cubicle, talking about how big the fish was that he caught last weekend. You think to yourself that Joe spends so much time there that he and Mike might just as well share the same cubicle.



QUESTION: When does social interaction/visiting in the office become excessive?

Most managers and supervisors would probably agree that occasional, brief social visits are fine, provided they do not interfere with productivity. Such visits may even foster better working relationships. However, when visiting hampers productivity or performance, it must be addressed quickly.

If the problem involves only one employee, you should discuss the matter with the employee directly and privately, informing him/her of the time-wasting practices. During the discussion, remind the employee of his/her job duties and responsibilities and the rule regarding giving a full day's work for a full day's pay. Document the discussion and share the documentation with the employees so both of you have a record of it.

If the problem involves the entire staff, and the office is regularly turning into a "social hour," then you should consider having a meeting or teleconference with everyone on this topic as soon as possible. Again you should make requirements and expectations clear to all employees. This discussion should also be documented and shared with the employees so that there is a verbal and written notice informing them that wasting time is not appropriate in the office and can result in more serious action.

If the behavior continues, you should view the private and/or group discussions on this issue as having put the employee or staff on notice. As a result, a more formal action such as a letter of caution or reprimand might be the appropriate way to address any continued improper conduct. If the conduct is blatant, an even stronger action might be appropriate.



Excessive visiting can be a serious problem in any office. As always, the key to success is to deal with the problem promptly, before the behavior becomes widespread and accepted practice. Your servicing employee relations specialist is available to help you on the best approaches available to address this problem and others.

EMPLOYEE RELATIONS DIRECTORY

APHIS

Riverdale

Kathy Welsh, *Branch Chief* (301) 734-4414
Joan Carlson, Assistant to the Branch Chief (located in Minneapolis) – Center for Veterinary Biologics and National Veterinary Services Laboratories, HQ programs not serviced by Oris Brown (see below) (612) 336-3299
Rudy Zuniga, HR Assistant (301) 734-4414
Oris Brown, ERS – HQ Plant Protection & Quarantine (PPQ), HQ Animal Care (AC) and Biotechnology and Regulatory Services (all locations), HQ MRPBS (301) 734-4992
FAX: (301) 734-6351

Minneapolis/Fort Collins (Western Region)

Rene Wing, *Team Leader* (located in Fort Collins) – Centers for Epidemiology and Animal Health, IES (WR), AC (WR), NWRC, MIS (WS) (970) 494-7416
Milo Christianson, ERS - MRPBS-Minneapolis, Customer Training, Special Projects MSPB Assistance (612) 336-3215
Linda Hatfield, HR Assistant - National Agency Checks/Inquiries (NACI) (612) 336-3292
Ben Murphy, ERS – Wildlife Services (WR) (612) 336-3412
Eric Williams, ERS – VS (WR) (612) 336-3370
FAX: (612) 370-2297
Taryn McCaughey, ERS (trainee) (970) 494-7419
Peter Brownell, LRS/ERS – PPQ (WR) (970) 494-7418
FAX: (970) 494-7424

Raleigh (Eastern Region)

Michelle Parker, *Team Leader* – PPQ (ER – Northern States), WS (ER) Customer Training, MSPB Assistance (919) 855-7067
Eunice Aiken-Everett, HR Assistant (919) 855-7070
Inger Alston, ERS – VS (ER) (225) 389-0436 X36
Robert Krafft, ERS – AC (ER) Asian Longhorned Beetle, Emerald Ash Borer (PPQ – ER), MRPBS (ER – except IES), Wildlife Services (ER) PPQ PDC (all locations) (919) 855-7068
Anthony Santitoro, ERS – PPQ (ER – Southern States) (919) 855-7066
James Ward, ERS – IES (ER), CPHST, PPQ Hub Employees in Raleigh, PPQ (SITC) (919) 855-7065
FAX: (919) 855-7074

AMS/GIPSA

Beth Blackwood, *Branch Chief*
Vondell Henson, *Team Leader*, APHIS International Services (301) 734-3175
Vacant, Administrative Assistant
Sandy Davis-Conway, ERS - Fruit & Vegetables, Tobacco (202) 205-3855
Keela Harris, ER Assistant (202) 720-1055
Mary Royster, ERS - MRP Ethics Advisor (Financial Disclosures, Outside Employment, Conflicts of Interest) (202) 720-9858
Kelly Spence, ERS – Cotton, Dairy, Poultry, Science & Technology (202) 720-9455
Jason Thomas, ERS – Fruit & Vegetables, Livestock & Seed (202) 690-3011
FAX: (202) 720-3039